

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re Biozoom, Inc. Securities Litigation.

Civil Action No.: 1:14-cv-01087

Judge James S. Gwin

**DECLARATION OF MICHAEL V.
RELLA**

I, Michael V. Rella, declare under penalties of perjury:

1. I am over 18 years old, and am counsel for Defendant KCG Americas LLC in the referenced matter. I aver to the matters set forth herein based on personal knowledge and information, and my review of the relevant documents.

2. Attached as Exhibit 1 is a true and correct copy of OTC Bulletin Board (“OTCBB”) Market Maker Price Movement Reports for Biozoom, Inc. (“Biozoom”), reflecting Biozoom’s prior name, “Entertainment Art.”

3. In or around July 2014, my firm purchased the OTCBB Market Maker Price Movement Reports for Biozoom through the OTCBB website (“OTCBB.com”). As of September 30, 2014, these historical research reports are no longer available through the OTCBB website. *See* FINRA Regulatory Notice 14-36 (September 2014).

4. The OTCBB Market Maker Price Movement Reports reflect bid quotations for Biozoom on February 24, 2009 and August 31, 2009, and bid and ask quotations on September 1, 2009.

5. Courts have previously taken judicial notice of reports reflecting the stock price, quoting, and trading of securities, including securities listed on the OTCBB. *See, e.g., Thompson*

v. RelationServe Media, Inc., 610 F.3d 628 (11th Cir. 2010) (taking judicial notice of price quotations on the OTCBB obtained through the OTCBB website to determine the price paid for a company's shares); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1064 n.7 (9th Cir. 2008) (affirming trial court's judicial notice of a company's "reported stock price history"); *Teamsters Local 617 Pension & Welfare Funds v. Apollo Grp., Inc.*, 633 F. Supp. 2d 763, 775-76 (D. Ariz. 2009), *vacated in part on other grounds*, 690 F. Supp. 2d 959 (D. Ariz. 2010) (judicially noticing a Yahoo! Finance print out regarding defendant's historical stock prices, and historical stock trading price information downloaded from Google Finance).

I verify under penalty of perjury, in accordance with 28 U.S.C. §1746, that the foregoing is true and correct.

Executed on December 4, 2014.

/s/ Michael V. Rella

Michael V. Rella

EXHIBIT 1

OTC Bulletin Board®

Market Maker Price Movement Report**EERT - ENTERTAINMENT ART****February 24, 2009 – February 24, 2009**

<i>Date</i>	<i>Time</i>	<i>MPID</i>	<i>Bid</i>	<i>Bid Size</i>	<i>Ask</i>	<i>Ask Size</i>	<i>Status</i>	<i>Inside Bid</i>	<i>Inside Ask</i>
02/24/2009	Sys. Open	AUTO		0		0			
		DOMS		0		0			
		HILL	0.25	50		0			
		MICA		0		0			
	15:06:1314	DOMS	0.001	50		0		0	0
	16:13:3982	DOMS		0		0	D		
	21:02:3100	AUTO		0		0			
		DOMS		0		0	D		
		HILL	0.25	50		0			
		MICA		0		0			

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OTC Bulletin Board[®]**Market Maker Price Movement Report****EERT - ENTERTAINMENT ART****August 31, 2009 – August 31, 2009**

<i>Date</i>	<i>Time</i>	<i>MPID</i>	<i>Bid</i>	<i>Bid Size</i>	<i>Ask</i>	<i>Ask Size</i>	<i>Status</i>	<i>Inside Bid</i>	<i>Inside Ask</i>
08/31/2009	Sys. Open	AUTO		0		0			
		MICA		0		0			
	15:48:4413	VERT		0		0		0	0
	15:48:5428	VERT	0.01	50		0			
	15:49:1628	VERT	1	25		0			
	21:02:0000	AUTO		0		0			
		MICA		0		0			
		VERT	1	25		0			

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OTC Bulletin Board[®]**Market Maker Price Movement Report****EERT - ENTERTAINMENT ART****September 1, 2009 – September 1, 2009**

<i>Date</i>	<i>Time</i>	<i>MPID</i>	<i>Bid</i>	<i>Bid Size</i>	<i>Ask</i>	<i>Ask Size</i>	<i>Status</i>	<i>Inside Bid</i>	<i>Inside Ask</i>
09/01/2009	Sys. Open	AUTO		0		0			
		MICA		0		0			
		VERT	1	25		0			
	10:33:4968	NOBL		0		0		0	0
	10:34:4149	NOBL	0.8	25		0			
	11:39:5218	WDCO		0		0			
	12:34:5748	WDCO	0.6	25		0			
	12:35:0131	WDCO	0.6	25	10.01	2			
	21:01:4000	AUTO		0		0			
		MICA		0		0			
		NOBL	0.8	25		0			
		VERT	1	25		0			
		WDCO	0.6	25	10.01	2			

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